

MT LEGISLATIVE HISTORY

Chapter 465 1983

Bill H 24 S _____

Original bill & hist. C

H. Committee on Human Services

S. Committee on Judiciary

Hearing Date(s) Jan 14 ☒ C

Hearing Date(s) Mar 19 ☒ C

Jan 28 ☒ C

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Date Out Jan 28 ☒ C

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No minutes were located
regarding final Senate Committee action

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
January 14, 1983

The Human Services Committee was called to order on January 14, 1983, 12:30 p.m. by Vice-chairman Carol Farris. All members were present except Chairman Marjorie Hart and Representative Darko who were excused and Representative Fabrega, Representative Menahan and Representative Winslow who were absent.

HOUSE BILL 24. REPRESENTATIVE KEYSER, Sponsor. Under the proposed legislation the Department of Social and Rehabilitation Services would be given the authority for administering and supervising the funding for community-based services for troubled youth. In addition, SRS would be the main agency for licensing all youth-care facilities. The Department of Institutions would still be responsible for delinquent youth committed to their care, but six-month commitments to the Department of Institutions would be eliminated. SRS would be given the authority to issue placement budgets to juvenile probation for substitute care placements (EXHIBIT 1).

PROPOSERS:

NORMA VESTRE, Administrator of Community Services Division of Social and Rehabilitation Services, testified in favor of the bill because she feels there would be better management of the system as it relates to the budget, planning, evaluation and monitoring (EXHIBIT 2).

CURT CHISHOLM, Department of Institutions, concurs with and supported the concept of the single state agency with a clear assignment of financial responsibility and management responsibility of residential care (EXHIBIT 3).

GEOFF BIRNBAUM, representing the Montana Youth Justice Council, supported the concept of the single state agency. The Council attempted to negotiate changes it felt were necessary (EXHIBIT 4).

TOM DROOGER, Montana Child Care Association, supported this legislation and felt that it will benefit the children, youth and families that his organization serves (EXHIBIT 5).

STEVE NELSON, Board of Crime Control, felt there were three primary problems which the legislation before you addresses: (1) administrative--proper records are not being kept; (2) the matter of financial stability--after the Legislature left last session, it became obvious that there was not enough money to support all the agencies that were needing assistance, and (3) the simple matter of the way youths get placed. One has to make sure resources are available for the placing of the child. There needs to be a better relationship between government and the private sector.

DICK MEEKER, member of Coalition of Probation Officers, stated the bill will make the process of providing treatment for youth more expeditious and effective, as well as providing that all facilities offering care or treatment meet the appropriate standards (EXHIBIT 6).

Additional written testimony is attached (EXHIBIT 7).

OPPONENTS:

JEREMIAH JOHNSON, Chief Probation Officer of the 4th Judicial District, Missoula, said this bill is a residential care bill, not a community-based program bill (EXHIBIT 8).

GLEN HUFSTETLER, Chief Probation Officer, Kalispell, felt that the bill is very confusing. This bill takes over the local communities' programs. He left a substitute bill for perusal (EXHIBIT 9).

ELIZABETH WHEELER, Chief Probation Officer, Bozeman, stated that the people who came up with the final bill are twenty years away from working with the children. The youth in need of supervision are the minors.

MIKE FLEMING, Director of Youth Court Services, 6th Judicial District, said there are three areas that are improperly stated: (1) the method of operation of finding a group home and the length of time that elapses before a person from the state can get to the location and accept the home; (2) better management from the local level--very incorrect, and (3) would have better training for providers. Opposed to the bill.

BRYCE JOHNSON, Chief Probation Officer for the 12th Judicial District, supports Jeremiah Johnson and the amendments that he proposed.

KEVIN BURHAM, Kalispell, said the bill was very cumbersome. He stated that they are trying to provide services to the kids--not create a super agency.

REPRESENTATIVE KEYSER closed by saying that there was no intent on this committee to set up a super agency. We have addressed a placement budget based upon historical placement patterns and current placement trends. The law that set up this committee and the committee report that you have is exactly what the Legislature mandated.

We realize that we are not going to solve all of the problems at once. No one can say what this bill is going to do until it is

implemented. It is taking the powers of three or four agencies. If this power would be abused by SRS, I would be the first one to come back and ask that that power be taken away from SRS. He urged that when the committee gets into executive session, they look over the amendments and try to help the probation people along with the Department of Institutions.

Additional testimony in opposition is attached (EXHIBIT 10).

QUESTIONS:

REPRESENTATIVE BRAND asked REPRESENTATIVE KEYSER if he had talked with some individuals during the interim that received services and were disturbed about SRS usurping power.

REPRESENTATIVE KEYSER replied that they had few of those individuals before the committee during the fifteen months the sub-committee was operating.

REPRESENTATIVE BRAND asked about the differences between non-profit homes and private homes that use the services and the quantity of each.

NORMA VESTRE answered that there are 35 non-profit homes, and four state facilities, located at Missoula, Billings, Great Falls and Helena.

REPRESENTATIVE BRAND inquired as to what does an after care group home provide?

DAN RUSSELL, Department of Institutions answered that the program has been set up for eight youth, most of whom have been at Pine Hills or Mountain View. In some instances, youth have been placed there prior to placement in an institution. He feels that SRS will not understand the problems and needs of the youth.

REPRESENTATIVE WINSLOW to JEREMIAH JOHNSON asked: If a child gets in trouble and is classified as youth in need of guidance, what are the steps you have to go through and what is the average time limit?

JEREMIAH JOHNSON responded that one has to go through local committee meetings. Another process is set up through the administrative or executive branch so the process may be held up at the state level. One of those hearings may take as long as two to three months. He was opposed to the time limits that are put into the bill.

Hearing adjourned at 2:30 p.m.

Carol Farris

Vice-Chairman Carol Farris

Gene Brumett

Secretary

House Human Services Committee

Bill Summary

Friday, January 14, 1983

HB 24 (Keyser) is the product of the Interior Subcommittee on Human Services. The Committee conducted hearings and work session during 1981 and 1982, examining issues and options associated with Montana's youth services.

The following summary is taken from the Committee's final report, A Proposal for the Reorganization of Montana's Youth Services, prepared by the Committee's staff researcher, Kathleen Harrington.

The Subcommittee decided to recommend legislation which would centralize the authority for residential services in one state agency. Under the proposed legislation (HB 24) the Department of Social and Rehabilitation Services would be given authority for administering and supervising the funding for community-based services for troubled youth. In addition, SRS would be the main agency for licensing all youth care facilities. The Department of Institutions would still be responsible for delinquent youth committed to their care, but six-month commitments to the Department of Institutions would be eliminated. Those commitments generally involve youth in need of supervision. Under the proposed legislation those youth would be the responsibility of either SRS or juvenile probation.

SRS would be given the authority to issue placement budgets to juvenile probation for substitute care placements. These placement budgets would be based upon historical placement patterns and current placement trends. Most judicial districts do not have funds for placing youth, and much of the confusion in the funding of substitute care placements has been traced to the problems that arise when the court orders SRS to pay for court-ordered placements. Separate budgets for judicial districts would allow individual judicial districts to become aware of the availability of funds for court-ordered substitute care for youth, and would provide more accountability for court-ordered placements.

House Bill 24 creates a new administrative part in Title 41 (Minors) of the MCA. This new part will be codified under the chapter on child abuse, neglect, and dependency, but it will also serve as the administrative authority for community-based services for youth in need of supervision and delinquent youth under the Youth Court Act. This new part provides definitions of 1) community-based services to youth, 2) substitute care, and 3) youth care facilities. It outlines the duties of SRS with relation to youth in need of care, youth in need of supervision, and delinquent youth. It provides for the apportionment of money to judicial districts, but eliminates the youth court from the business of finding, maintaining, and administering shelter care and foster homes for youth. SRS would be solely responsible for finding and licensing foster homes and for licensing group homes and child care agencies.

This new part would combine current law on parents' or guardians' financial responsibility for substitute care into one part. Also, it would eliminate specific references to district youth guidance homes and would instead have several sections giving nonprofit corporations the power to both establish homes and contract with SRS to provide facilities and services to youth.

The provision of prompt and appropriate treatment for troubled youth was the main concern of the Subcommittee. Thus, the Subcommittee viewed the move to centralize authority in one state agency as a means of providing more accountability to the system while at the same time simplifying the system so that the placement process becomes faster and more efficient. The legislation provides that the placement process must be accomplished in a timely manner. If that doesn't occur, then the agencies involved in the process are mandated to work together to provide a solution.

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

4824



TED SCHWINDEN, GOVERNOR

P.O. BOX 4210

STATE OF MONTANA

HELENA, MONTANA 59604

January 14, 1983

Madam Chairperson, Members of the Committee: My name is Norma Vestre, Administrator of Community Services Division of Social and Rehabilitation Services.

I am testifying in favor of this bill which has come about because of the efforts of many people. The Interagency Committee for Emotionally Disturbed Children developed a plan to serve emotionally disturbed children throughout the state. In the planning process, several gaps, issues and concerns about the community based residential care system surfaced. We determined that the administrative authority for the development, administration, financing, inspection and rate setting for community based residential facilities was severely fragmented. There are three state agencies and 19 judicial districts responsible for placing children and youth into residential care facilities. Very often there is conflict about the source of payment for these placements and in some cases, children and youth are placed inappropriately or not placed at all as a result. The Emotionally Disturbed Committee made a recommendation for a single state agency for the residential care system to the Human Services Subcommittee, chaired by Representative Keyser who approved of the recommendation and the bill was subse-

Page Two

quently written.

Basically, the single state agency is this: SRS would have the overall responsibility for managing the residential care program including planning, budgeting, data collection and monitoring.

Funds would be transferred from the Department of Institutions to SRS; these funds include budgets for the district youth guidance homes, shelter care and Department of Institutions foster care program and SRS would be responsible for the payment of placements into the facilities.

SRS would develop financial plans for youth courts which would inform them of money available for the placement of children.

The benefits of the single state agency bill are many.

There would be better management of the system as it relates to the budget, to planning, evaluation and monitoring.

It would be helpful for legislators in that SRS would collect all data related to children in care including costs, numbers of children in care and resources which are available. At the same time, it will provide better management at the local level.

We ask for your favorable consideration of this bill.

kh

HB 24

Department's proposed amendments: Section 4, page 9, lines 22 through lines 25 and page 10, lines 1 through line 2 not be deleted from the statute.

Section 5, page 11, lines 3 through lines 9, the deleted words should be left in the statute.

New Section 8, page 17, after line 20, insert (3) "The Department shall pay for room, board, clothing, personal needs, transportation and treatment in District Youth Guidance Homes, Shelter Care Programs and Foster Care Homes for youths committed to the Department of Institutions who need to be placed in such facilities. Youths committed to the Department of Institutions and placed in residential facilities other than these described above shall not be the financial responsibility of the Department unless such placements have been approved in advance by the Department."

Section 28, page 29, at line 20, after the word administer, add "youth correction facilities, evaluation facilities, mental health facilities and services, and aftercare programs"

Page 7, line 22, after the word "guardian." insert the following:

"Nothing in this definition is intended to include juvenile correctional facilities, evaluation facilities, mental health facilities and services, and aftercare programs operated by the Department of Institutions."

Recommended Changes
in the
Legislation Creating a Single State
Agency for Residential Care

From The

MONTANA YOUTH JUSTICE COUNCIL

The Youth Justice Council met December 8, 1982 and reviewed suggested amendments to the draft legislation creating a single state agency for the residential care of youth. The amendments were proposed by youth court personnel, private child care providers, and other youth service workers. Based on this testimony the Council offers the following amendments which address the concerns expressed over the initial draft, by numerous youth service personnel, and are endorsed by the Montana Youth Justice Council.

Issue I Jurisdiction of Single State Agency (S.R.S.)

A. Youth Justice Council Motion:

Delete Section I (b) (v)

(v) The care of youth in need of supervision placed by the court under the supervision of the department.

This section could permit S.R.S. to assume supervision of youth who are under the jurisdiction of the Youth Court. Mere mention of this possibility dredges up old battles over state/local authority and the ever present concern that state government is trying to gain control over county functions. The Montana Probation Officers Association reacted most strongly to this section.

There appears to be no problem in removing the section to alleviate these concerns. Section I (b) (vi) allows the department to administer funds for these youth, which is all that is required to establish the concept of a single state agency.

B. Youth Justice Council Motion:

*1. Delete references to community based programs found on:
Section 7 (2)
Section 8 (1) (a)*

2. Amend title limiting it to "Community Based Residential Services".

Criticism of this section was based on the concern that it would grant unnecessary power and authority to the Department of Social and Rehabilitation Services. The Montana Probation Officers Association feels this could allow the state to exercise control over local programs.

The intent of the Legislative Committee was to statutorily legitimize a broad spectrum of community based services for youth. S.R.S. officials indicate they would not use this language to usurp local authorities.

Other critics felt this section simply went beyond the scope of the residential care issue, and should be removed to avoid unnecessary controversy.

Issue II Planning and Data Collection

A. Youth Justice Council Motion:

Amend Section 8 by adding:

To maintain adequate data on placements it funds to keep the Legislature properly informed of the following:

- (i) The breakdown of youth in need of care, youth in need of supervision, and delinquent youth by category in out of home care facilities.*
- (ii) The cost per facility for services rendered.*
- (iii) The type and level of care and of services provided by each facility.*
- (iv) A profile of out of home care placements by level of care.*
- (v) A profile of public institutional placements.*

The major issue which gave birth to the concept of a single state agency for residential care was the lack of adequate information about these services.

This information gap made it difficult to determine; 1. an adequate budget for residential care, 2. appropriate client placements, 3. cost/effectiveness of these services, and 4. how to improve the "system". Consolidation of these services into one agency will at least provide the administrative structure for collecting this data.

Throughout the public review of this concept practitioners have expressed a lack of trust and confidence in state government. The first draft of the Legislative Committee tried to ensure proper planning and administration of residential care by having the Youth Justice Council approve an annual plan developed by S.R.S. This idea was deemed too cumbersome and was stricken from the recommendation. The Youth Justice Council felt that there should be statutory requirements to ensure proper management. The Council chose to adopt language from the Probation Officers proposal to amend Section 8 "Powers and Duties of the Department" of the Interim Committee proposal. This detailed listing of data requirements provides assurance that the most critical information will be maintained.

Issue III Apportionment of Money to Judicial Districts

A. Youth Justice Council Motion:

Amend page 17, Section 9 by inserting;

New Section, Section 2. Apportionment of money to judicial districts. It shall be the duty of the Department of Social and Rehabilitative Services:

- 1. To properly apportion and allocate annual budgets for the out of home care of youth in need of supervision and delinquent youth to all judicial districts requesting such budgets.*
- 2. To allocate a contingency budget from participating judicial districts for the out of home care of youth in need of supervision and delinquent youth in extraordinary circumstances or with special needs.*
- 3. To develop a funding formula by May 1, for application to the next fiscal year to assure that adequate and reasonable funding of these placement resources be accomplished. The formula shall take into consideration the following factors:*
 - a. The total population of the judicial district.*
 - b. The total youth population of the judicial district.*
 - c. The total number and costs of placements in public facilities and out of home care facilities.*
 - d. The current trends in population, local economy, and placement.*

Consensus appears to have been reached with all concerned that a placement budget at the local Youth Court level would tend to minimize conflicts that arise as a result of courts ordering other agencies to pay for placements. However, for this to be a workable and acceptable option for the Youth Courts, those budgets must be adequate to meet placement needs. Without enough money available, the courts will continue to order other agencies to pay. As yet, actual figures indicating how much each youth court shall receive are not available. Therefore, the main issue here is the formula that is to be used to compute equitable budgets for the youth courts. While it is recognized that S.R.S. needs some flexibility in making this determination, the Council felt that legislative direction was needed in addition to what was included in the Legislative proposal.

A. Youth Justice Council Motion:

Add the word "training" to line 16, page 25.

Section 19 (on page 25) allows private sector, non-profit corporations providing residential services and to receive "services, facilities, and funds" from S.R.S. to support their service delivery efforts. One important element of support that has potential to increase staff longevity and improve service delivery is training. Training is not included here.

Issue V Determining Rates For Providers

A. Youth Justice Council Motion:

Add to Section 20, Governmental Contracts with Non-Profit Organizations. The Department is authorized to contract with non-profit organizations. The Department shall set rates for providers based on the following consideration:

- A. Rates as established by providers,
- B. Reasonable costs of service,
- C. Comparable costs in like or similar facilities,
- D. Appropriation level,
- E. Availability of funds.

The manner in which state government determines the fee it will pay a group home or other facility is of primary concern to the providers. While they acknowledge that this process is primarily an administrative function they feel it is important to have some statutory guidance that can be used to assure a fair and equitable procedure.

The providers have voiced deep concern about purchase of service method of reimbursement. They feel it does not take into consideration volatile changes in the client population and encourages facilities to hold onto youth who might otherwise be released or transferred to another program. They would like to have a combination of a base grant subsidy given to each qualified facility on an annual basis, and a variable purchase of services rate based on a per day cost for clients.

Providers are also concerned that the state acknowledge the actual cost of providing their service. The issue is not that they need to be reimbursed for 100% of these costs. Most feel strongly that their communities have an obligation to share the burden. It is important that the state acknowledge the cost of providing services in order to lend credibility to local fund raising efforts.

A. Youth Justice Council Motion:

Do not delete the reference to Shelter Care in the Youth Court Act.

The Interim Committee version of the proposed legislation deletes any formal reference to Shelter Care as a distinct service and program under the law. All concerned parties feel that since Shelter Care is unique program it's integrity could be at risk if not provided for in statute.

A. Youth Justice Council Motion:

Reinstate the language in the existing Youth Court Act which authorizes Youth Courts to place Y.I.N.S. and Delinquent Youth in facilities subject to the limitations that are in present statutes.

In the process of deleting the 6 month commitment to the Department of Institutions, the legislation also removes language that permits Youth Courts to commit Y.I.N.S. and delinquent youth to institutional programs. Specifically this applies to commitments to the Warm Springs Children's Unit. All concerned parties seem to feel that the Youth Court must retain an ability to commit youth to institutions if it seems necessary.

B. Youth Justice Council Motion:

Delete the use of 6 month commitments.

Critics of the 6 month commitment to the Department of Institutions characterize it as a means of obtaining free placements which can become long term with continuing court orders every 6 months. In order to utilize the resource, however, a youth must be formally committed to the state agency. With a single state agency this option would be unnecessary. Youth Court would be able to use more appropriate community based residential services.

Information Sheet on Youth Justice Council
Proposed Amendments to HB 24

- A. The Youth Justice Council supports the concept of a single state agency to residential youth care.
- B. Council activity in this area has been to negotiate any changes felt necessary by all the concerned groups that are listed in SJR 29, in order to allow the single state agency concept to be implemented.
- C. The Council has focused on the single state agency as the primary purpose of HB 24 and sees the other proposals therein to be secondary.
- D. Further testimony before the subcommittee will show that we didn't quite achieve total agreement between all the interest groups.
- E. On December 8, 1983 the Youth Justice Council met and reviewed suggested amendments that would best represent the special interest groups concerns while preserving the single state agency concept.
- F. The amendments are:

1. ~~Elimination of "the care of youth in need of supervision placed by the youth court~~ under the supervision of the department." On page 2, this was adopted to eliminate concern that SRS would assume control of cases that are under the jurisdiction of the Youth Court.
2. Eliminate the references to community based programs. This avoids concerns about SRS assuming too much authority over many different kinds of community programs. The Council chose to maintain the focus of the single state agency for residential care.
3. Give SRS responsibility for data collection and enumerate specific information to be reported. This was adopted to insure adequate accountability by SRS to the legislature.
4. Elaborate considerations for the future allocation paper budgets from SRS to the judicial districts. This is intended to insure that those budgets are fair and equitable.
5. Add training to what non-profit providers are allowed to receive from the single state agency. This is meant to focus on the need for adequate provider training.
6. Elaborate consideration for SRS to make in negotiating contracts with providers. This is meant to insure that those rates are fair and equitable.
7. Maintain Shelter Care in the Youth Court Act. To insure that it remain distinct from longer term care.
8. Reinstate the language allowing courts to commit YINS into the Warm Springs State Hospital Childrens Program.

WITNESS STATEMENT

NAME Thomas A. Drager BILL No. HB-24
ADDRESS 733 3rd Helena DATE 1/14/83
WHOM DO YOU REPRESENT Mont. Residential Child Care Assoc.
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

TESTIMONY OF TOM DROOGER, HOUSE BILL 24.

We, as private residential providers, support the concept and legislation regarding the single state agency and feel that it will benefit the children, youth and families that we serve.

We feel it is in the best interest of these children and families, both present and future, that the administrative authority for the residential care system be centralized in one state agency.

It is our hope that this will provide for a better system for developing new programs, organizing communities, providing training, and establishing contracts, rates and levels of care.

It is also our hope that this plan will provide for a better system for budget development, licensing standards and program evaluation.

We are, however, as private agencies, concerned about how State government will actually implement these changes. Members of our association have worked with State government in the development of stages of items such as the single state agency legislation, new rate systems and levels of residential care. This effort on the part of State government to include private individuals and groups, in our opinion is necessary to lessen concern, suspicion and distrust of State government. We would hope that this working together will continue to grow, especially as we move ahead to the concept of a single state agency overseeing the needs and resources for children.

The Montana Residential Child Care Association wants to promote quality child care and will be available to be of aid to State departments and the Legislature to develop programs and policies which will be in the best interest of the children and youth (as well as their families) placed in residential care in Montana.

011483

MADAM CHAIRMAN AND MEMBERS

I address you as a ^{member.} spokesperson for a coalition of Juvenile Probation Officers which includes Districts 1, 2, 5, 8 and 13. ^{which comprise approximately 50% of the officers.}

The bill now before you was fostered as a result of the growing frustration on the part of state agencies, providers and many probation officers, with a state system that is fragmented and cumbersome, and not responsive to contemporaries needs. House Bill No. 24 was compiled by the sub-committee on ~~Human Services~~, following hearings where all effected personnel and agencies had the opportunity for participation.

~~The introduction and implementation of new legislation that revises the old ways often causes apprehension, and a fear of the unknown and a desire to cling to the now, rather than moving forward.~~ The participants of the coalition which I ^{am a} speak ^{of} for do have several reservations concerning HB 24. However, we view HB 24 on the whole as a positive and sincere approach by the authors to address the needs of the 80's and provide a more responsive system to those who are to be served.

This bill will make the process of providing treatment for a youth more expeditious ^{out} and effective, as well as providing that all facilities offering care or treatment meet the appropriate standards.

^{member}
As spokesperson for this coalition of Probation Officers, I urge the committee to send HB 24 on to the House with a "DO PASS" recommendation.

Richard L. Meeker
Chief Probation Officer
First Judicial District

WITNESS STATEMENT

NAME Linda Wood BILL No. NB 24
ADDRESS 602 N. Ewing DATE 1-14-83
WHOM DO YOU REPRESENT Attention Home / Mont. Residential Child Care Association
SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Support with reservations regarding implementation is the general stance of small residential care providers. Will the money follow the bill? A group of small residential group homes worked all summer and fall with people from SRS, Dept of Institutions and Board of Crime Control with regard to the issues surrounding this bill. The final consensus is to support the concept of a single state agency as data collection, billing and payment processes and overall administration would all be more efficient. The major reservations are the implementation of the single state agency and the financial aspects of the agency.

Linda Wood
Vice-President
Mont. Residential Child
Care Association

H.B. 24 ISSUES

I. This Bill is a Residential Care Bill not a Community Based Program Bill. There is an effort here to group all community based programs involving delinquent, YINS, and YINCS under the Department of S.R.S. We are opposed to this and propose changes. The sections of this Bill that are referenced under this are:

- 1) Page 1, Line 7, Add residential after community based
- 2) Page 15, Lines 1 through 13, delete
- 3) Page 16, Lines 15 and 16, add and after youth group home and, delete: and community based programs
- 4) Page 17, Lines 1 and 2, delete
- 5) Page 17, Lines 8 through 10, delete

II. The Youth Court should retain their own licensing and supervision of their foster homes and continue to use the six month commitment. Sections of this Bill that referenced under this are:

- 1) Page 2, Lines 8 and 9, delete
- 2) Page 4, Lines 14 and 15, return to original language
- 3) Page 9, Line 18, add; or other home approved by the Court
- 4) Page 9, Lines 21 through 25, return to original language
- 5) Page 10, Lines 1 and 2, return to original language
- 6) Page 11, Line 1, in the case of a delinquent youth should be returned. Prohibits commitment of emotional disturbed youth to the Department of Institutions, Warm Springs, etc.

- 1 7) Page 11, Lines 3 through 9, return to original language
2 8) Page 18, Lines 7 through 11, return to original language

3 III. S.R.S. Rule Making Authority. The Legislature should
4 determine the rules and not give S.R.S. the authority to
5 make rules. S.R.S. does not listen to public input. Delete
6 Page 25, Lines 8 through 10.

7 IV. Shelter Care is defined on page 7, Lines 3 and 4 but is not
8 used anywhere but in Section 41-5-802 M.C.A. This section
9 is deleted out on page 27, line 16 and page 28, lines 8
10 through 22. It is felt that the removal of this provision
11 from the law takes away any reference to its intent. It
12 should be reinstated.

13 V. Time Limits - This provision was included in this Bill
14 due to problems of getting kids into facilities. The
15 problem is not a legal problem but one of having to go
16 through numerous screening committees at both the local
17 and state level. The problem can be solved by eliminating
18 the committees rather than bogging the system down with
19 time limits and more meetings. Page 20, Lines 8 through 25,
20 and Page 21, Line 1. This should be deleted.

21 VI. Committees - This Bill continues to tie up officer time
22 by creating more committees. It takes us a minimum of
23 four hours per week for just Foster Care Reviews. If the
24 Legislature continues to create more committees, we will be
25 forced to hire more staff just to attend the committee
26 meetings. See Page 18, Lines 2 through 4. This should be
27 deleted.
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VII. Due to low trust levels of S.R.S., we feel it is necessary to spell out what data is necessary to provide the Legislature in order to determine the effectiveness of Foster Care in comparison to institutional placements. Page 17, Lines 8 --, add

(3) maintain adequate data on placements it funds in order to keep the Legislature properly informed of the following:

(1) The breakdown of youth in need of care, youth in need of supervision, and delinquent youth by category in out of home care facilities;

(2) the cost per facility for services rendered;

(3) the type and level of care and of services provided by each facility;

(4) a profile of out of home care placements by level of care;

(5) a profile of public institutional placements; and

Page 17, Lines 21 through 25, delete and add,

VIII. This provision is recommended also due to the low trust levels of S.R.S. coming up with a proper formula to adequately address Foster Care. This is partly due to group home rates being cut back twice in the last biennium. This formula includes the following deletions and additions:

1) Page 18, Line 1, delete

2) NEW SECTION. Section 9. Apportionment of money to judicial districts.

1 It shall be the duty of the Department of Social and
2 Rehabilitation Services:

3 (1) To properly apportion and allocate annual budgets for
4 the out of home care of youth in need of supervision and
5 delinquent youth to all judicial districts requesting such
6 budgets.

7 (2) To allocate a contingency budget for youth from
8 participating judicial districts for the out of home care of
9 youth in need of supervision and delinquent youth in extra-
10 ordinary circumstances or with special needs.

11 (3) To develop a funding formula by May 1, for application
12 to the next fiscal year to assure that adequate and reasonable
13 funding of these placement resources be accomplished. The
14 formula shall take into consideration the following factors:

15 (a) The total population of the judicial district.

16 (b) The total youth population of the judicial district.

17 (c) The total number and costs of placements in public
18 facilities and out of home care facilities.

19 (d) The current trends in population, local economy, and
20 placement.
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RECOMMENDED CHANGES TO H.B. 24

Page 1, Line 7, add residential after community - based.

Page 2, Lines 8 and 9, delete

Page 4, Lines 14 and 15, return the original language

Page 9, Line 18, add ; or other home approved by the Court.

Page 9, Lines 21 through 25, return to original language

Page 10, Lines 1 and 2, return to original language

Page 11, Line 2 through 9, delete in the case of a delinquent youth, and return to the original language the remaining words through line 9,

Page 15, lines 1 through 13, delete

Page 16, Line 15, add the word and after youth group home,

Page 16, Line 16, delete and community-based programs

Page 17, Lines 1 and 2, delete

Page 17, Lines 8 through 10, delete

Page 17, Lines 8 --, add

(3) maintain adequate data on placements it funds in order to keep the Legislature properly informed of the following:

(1) The breakdown of youth in need of care, youth in need of supervision, and delinquent youth by category in out of home care facilities;

(2) the cost per facility for services rendered;

(3) the type and level of care and of services provided by each facility;

1 (4) a profile of out of home care placements by level of
2 care;

3 (5) a profile of public institutional placements; and
4 Page 17, Lines 21 through 25, delete and add,

5 NEW SECTION. Section 9. Apportionment of money to
6 judicial districts.

7 It shall be the duty of the Department of Social and
8 Rehabilitation Services:

9 (1) To properly apportion and allocate annual budgets for
10 the out of home care of youth in need of supervision and
11 delinquent youth to all judicial districts requesting such
12 budgets.

13 (2) To allocate a contingency budget for youth from
14 participating judicial districts for the out of home care of
15 youth in need of supervision and delinquent youth in extra-
16 ordinary circumstances or with special needs.

17 (3) To develop a funding formula by May 1, for application
18 to the next fiscal year to assure that adequate and reasonable
19 funding of these placement resources be accomplished. The
20 formula shall take into consideration the following factors:

21 (a) The total population of the judicial district.

22 (b) The total youth population of the judicial district.

23 (c) The total number and costs of placements in public
24 facilities and out of home care facilities.

1 (d) The current trends in population, local economy, and
2 placement.

3 Page 18, Lines 1 through 4, delete

4 Page 18, Lines 7 through 11, return to the original
5 language

6 Page 20, Lines 8 through 25, delete

7 Page 21, Line 1, delete

8 Page 25, Lines 8 through 10, delete

9 Page 27, Line 16, return to original language

10 Page 28, Lines 8 through 22, return to original language
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BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING
TO YOUTH; DEFINING OUT OF HOME CARE; APPORTIONING MONIES FOR
OUT OF HOME CARE; AND, REQUIRING LICENSING OF OUT OF HOME CARE
FACILITIES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-5-103, M.C.A. is amended to read:

"41-5-103. Definitions. For the purpose of the Montana
Youth Court Act, unless otherwise stated, the following
definitions apply:

(1) "Adult" means an individual who is 18 years of age
or older.

(2) "Agency" means the department of institutions, the
department of social and rehabilitation services, and any
division or department of either.

(3) "Commit" means to transfer to legal custody.

(4) "Court", when used without further qualification,
means the youth court of the district court.

(5) "Foster home" means a private residence approved by
the court for placement of a youth.

(6) "Guardianship" means the status created and defined
by law between a youth and an adult with the reciprocal rights,
duties, and responsibilities.

(7) "Judge", when used without further qualification,
means the judge of the youth court.

(8) (a) "Legal custody" means the legal status created
by order of a court of competent jurisdiction that gives a person
the right and duty to:

(i) have physical custody of the youth;

(ii) determine with whom the youth shall live and for what
period;

1 (iii) protect, train, and discipline the youth; and
2 (iv) provide the youth with food, shelter, education, and
3 ordinary medical care.

4 (b) An individual granted legal custody of a youth shall
5 personally exercise his rights and duties as guardian unless
6 otherwise authorized by the court entering the order. ?

7 (9) "Parent" means the natural or adoptive parent but
8 does not include a person whose parental rights have been
9 judicially terminated, nor does it include the putative father
10 of an illegitimate youth unless his paternity is established
11 by an adjudication or by other clear and convincing proof.

12 (10) "Youth" means an individual who is less than 18 years
13 of age without regard to sex or emancipation.

14 (11) "Youth court" means the court established pursuant
15 to this chapter to hear all proceedings in which a youth is
16 alleged to be a delinquent youth, a youth in need of supervision
17 or a youth in need of care⁷ and includes the youth court, the
18 judge, and probation officers.

19 (12) "Delinquent youth" means a youth:

20 (a) who has committed an offense which, if committed
21 by an adult, would constitute a criminal offense;

22 (b) who, having been placed on probation as a delinquent
23 youth or a youth in need of supervision, violates any condition
24 of his probation.

25 (13) "Youth in need of supervision" means a youth who
26 commits an offense prohibited by law which, if committed by an
27 adult, would not constitute a criminal offense, including but
28 not limited to a youth who:

29 (a) violates any Montana municipal or state law
30 regarding use of alcoholic beverages by minors;

31 (b) habitually disobeys the reasonable and lawful
32 demands of his parents or guardian or is ungovernable and

1 beyond their control;

2 (c) being subject to compulsory school attendance, is
3 habitually truant from school; or

4 (d) has committed any of the acts of a delinquent youth
5 but whom the youth court in its discretion chooses to regard
6 as a youth in need of supervision.

7 (14) "Youth in need of care" means a youth as defined in
8 41-3-102.

9 (15) "Custodian" means a person other than a parent or
10 guardian to whom legal custody of the youth has been given but
11 does not include a person who has only physical custody.

12 (16) "Necessary parties" include the youth, his parents,
13 guardian, custodian, or spouse.

14 (17) "State youth correctional facility" means a residential
15 facility for the rehabilitation of delinquent youth such as
16 Pine Hills school in Miles City, and Mountain View school in
17 Helena, and Swan River youth forest camp.

18 (18) "Shelter care" means the temporary care of youth in
19 physically unrestricting facilities.

20 (19) "Detention" means the temporary care of youth in
21 physically restricting facilities.

22 (20) "District youth guidance home" means a family-oriented
23 residence established in a judicial district of the state of
24 Montana as an alternative to existing state youth correctional
25 facilities, the function of which is to provide a home and
26 guidance through adult supervision for delinquent youths and
27 youths in need of supervision.

28 (21) "Restitution" means payments in cash to the victim or
29 with services to the victim or the general community when these
30 payments are made under the jurisdiction of a youth court
31 proceeding.

32 (22) "Out of home care" means any youth who is placed out

of his home by the youth court in a shelter, foster, group,
residential, or private institutional care facility.

New Section. Section 2. Apportionment of money to judicial
districts. It shall be the duty of the Department of Social and
Rehabilitation Services:

(1) To properly apportion and allocate annual budgets for
the out of home care of youth in need of supervision and
delinquent youth to all judicial districts requesting such
budgets.

(2) To allocate a contingency budget for youth from
participating judicial districts for the out of home care of
youth in need of supervision and delinquent youth in extra-
ordinary circumstances or with special needs.

(3) To develop a funding formula by May 1, for application
to the next fiscal year to assure that adequate and reasonable
funding of these placement resources be accomplished. The
formula shall take into consideration the following factors:

(a) The total population of the judicial district.

(b) The total youth population of the judicial district.

(c) The total number and costs of placements in public
facilities and out of home care facilities.

(d) The current trends in population, local economy, and
placement.

Youth Care is to
(4) ~~To~~ maintain adequate data on placements it funds in
order to keep the Legislature properly informed of the following:

(a) The breakdown of youth in need of care, youth in need
of supervision, and delinquent youth by category in out of home
care facilities.

(b) The cost per facility for services rendered.

(c) The type and level of care and of services provided
by each facility.

(d) A profile of out of home care placements by level of care.

1 (e) A profile of public institutional placements.

2 Section 3. Section 41-3-502, MCA, is amended to read:

3 "41-3-502. License required. No person shall maintain
4 or operate a foster or boarding home an out of home care
5 facility for any child or children within the meaning of this
6 chapter without first securing a license in writing from the
7 department of social and rehabilitation services. ^{and or youth court} No fee shall
8 be charged for such license."

9 Section 4. Section 41-3-503, MCA, is amended to read:

10 "41-3-503. Issuance of license -- authority of issuing
11 agency. The department of social ^{and or youth court} and rehabilitation services
12 is hereby authorized to issue licenses to persons conducting
13 boarding or foster homes out of home care facilities and to
14 prescribe the conditions upon which such licenses shall be
15 issued and to make such rules as it may deem advisable for the
16 operation and regulation of foster and boarding homes such
17 facilities for minor children consistent with the welfare of
18 such children. Such licensing agency shall have the power and
19 authority to inspect all such licensed foster and boarding homes
20 facilities through its duly authorized representatives and to
21 cancel licenses theretofore issued for the failure to observe
22 such rules. The person operating such homes shall give to such
23 representative such information as may be required and afford
24 him every reasonable facility for observing the operation of
25 such homes."

26 Section 5. Section 41-3-504, MCA, is amended to read:

27 "41-3-504. Penalty. Any person who maintains or conducts
28 a foster or boarding home an out of home care facility or
29 assists in conducting or maintaining such home facility
30 without having first obtained a license in writing as hereto
31 provided shall be guilty of a misdemeanor and upon conviction
32 be punished by a fine not to exceed \$100."

Youth Court Services

Eleventh Judicial District

Box 839 - Kalispell, MT 59901
(406) 755-5300

J. M. SALANSKY
ROBERT C. SYKES
Youth Court Judges

R. GLEN HUFSTETLER
Chief Probation Officer

DEPUTIES:
Kevin J. Burham
Noel Kirack
Elisabeth A. Moothart

January 13, 1983

TO WHOM IT MAY CONCERN:

Re: House Bill 24

Our concerns regarding House Bill No. 24 introduced by Rep. Kyser regarding the single state agency are as follows:

The ambiguity of the bill which places too much power and control under S.R.S.

The bill, as it reads, takes away the court's ability to have, supervise and license foster homes.

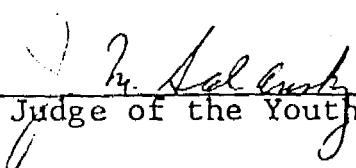
It infringes on the rights of the courts to make whatever dispositions the court feels to be in the best interests of the child.

It would place undue effort on Youth Court staff in attending and participating in more committee meetings and group meetings than necessary.

Community based programs that now are operated by the court would fall under the scrutiny and control of S.R.S. Most of those programs have little or nothing to do with out of home placements. However, the language of the bill is so vague and general that, as it reads, all community based services to youth would, with this bill, fall under the direct supervision of S.R.S. We are vehemently opposed to this concept.

The time limits imposed by this bill in some circumstances are questionable.

All things considered, I am recommending at this time that this bill be killed.



Judge of the Youth Court

VISITOR'S REGISTER

HOUSE HUMAN SERVICES

COMMITTEE

BILL HOUSE BILL 24DATE January 14, 1983SPONSOR KEYSER

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
CURT CHASANT	HELENA	DEPT. JUSTICE	X	
Glen Hufstetler	Kalispell	Probation		X
Kevin Gurhan	Columbia Falls	Probation		X
Elizabeth Wheeler	Bogeman Mt.	Youth Court 18th		X
Joel Knick	Whitefish	Prob.		X
MIKE Fleming	Livingston	6 Jud Dist Youth Court		X
Richard Meehan	Helena	Prob.	X	
Thorma Vista	Helena	SRS	X	
John Madsen	SRS Helena	SRS	X	
Kathleen Harrington	Helena	SRS		
Jeremiah Johnson	MSLA	MT. PROBATION ASSOC.		X
Steve M. Nelson	Helena	Board of Corrections	X	
John R. Foster	Livingston	Chief P.D.		X
Bryan Johnson	Home	Chief P.O.		X
Amelia Wood	Helena	Attention Home	X	
Dan Russell	Helena	Dept of Just	X	
John Green	Helena	OPI	X	
Clayton	Boulder	Probation	X	
Judy Johnson	Helena	OPI		
Ray McVick	Helena	MHAH	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Page 8

Minutes of the Meeting of the Human Services Committee
January 28, 1983

EXECUTIVE SESSION
HOUSE BILL 266

REP. DOZIER moved DO PASS.

REP. CONNELLY moved the amendments on HOUSE BILL 266 saying that these are the amendments that should have been in the original bill. The amendments passed.

REP. MENAHAN moved HOUSE BILL 266 DO PASS AS AMENDED. The motion carried and HOUSE BILL 266 passed DO PASS AS AMENDED unanimously.

REP. FABREGA moved that the Statement of Intent be adopted. The motion PASSED UNANIMOUSLY.

Amendments and Statement of Intent are attached (EXHIBITS 18 and 19).

HOUSE BILL 24

REP. BRAND moved to adopt Statement of Intent. The motion PASSED UNANIMOUSLY.

REP. FABREGA moved HOUSE BILL 24 DO PASS.

REP. FABREGA moved DO PASS on the amendments which was carried unanimously. Statement and amendments are attached as EXHIBITS 20 and 21.

REP. WINSLOW moved HOUSE BILL 24 DO PASS AS AMENDED. The motion carried with REP. SEIFERT voting no and REP. JONES abstaining.

EXECUTIVE SESSION adjourned at 2:40 p.m.

Marjorie Hart
CHAIRMAN MARJORIE HART

Ann Bristol
Secretary

Amendments to House Bill 24 (Introduced copy)

1. Title, line 7.

Following: "Community-based"

Insert: "Residential"

2. Page 2, line 7.

Following: "children;"

Insert: "and"

3. Page 2, lines 8 and 9.

Following: line 8

Strike: lines 8 and 9 in their entirety

Renumber: subsequent subsections accordingly

4. Page 4, line 15.

Following: "youth;"

Insert: "(5) 'Foster home' means a private residence approved by the court for placement of a youth."

Renumber: subsequent subsections accordingly

5. Page 7, line 22.

Following: "guardian."

Insert: "Nothing in this definition is intended to include juvenile correctional facilities, evaluation facilities, mental health facilities and services, and aftercare programs operated by the department of institutions."

6. Page 10, line 2.

Following: "hearing;"

Insert: "(d) transfer of legal custody of the youth to the department of institutions, provided that such commitment does not authorize the department of institutions to place the youth in a state correctional facility, and such commitment may not exceed a period of 6 months without a subsequent order of the court, after notice and hearing;"

Renumber: subsequent subsection accordingly

7. Page 11, line 2.

Following: "(d)"

Strike: "in case of a delinquent youth,"

8. Page 11, line 3.

Following: "institutions"

Strike: ";

Insert: ", provided, however, that in the case of a youth in need of supervision, such transfer of custody does not authorize the department of institutions to place the youth in a state youth correctional facility and such custody may not continue for a period of more than 6 months without a subsequent court order after notice and hearing;"

Amendments to HB 24 (continued)

9. Page 15, lines 1 through 13.

Following: line 1

Strike: lines 1 through 13 in their entirety

Renumber: subsequent subsections accordingly

10. Page 16, line 15.

Following: "group homes,"

Insert: "and"

11. Page 16, line 16.

Following: "agencies"

Strike: ", and community based programs"

12. Page 17, lines 1 and 2.

Following: line 1

Strike: lines 1 and 2 in their entirety

Renumber: subsequent subsections accordingly

13. Page 17, lines 8 through 10.

Following: line 8

Strike: lines 8 through 10 in their entirety

Renumber: subsequent subsections accordingly

14. Page 17, line 12.

Following: "implementation"

Strike: "."

Insert: "; and"

15. Page 17, line 12.

Following: "."

Insert: "(j) maintain adequate data on placements it funds in order to keep the legislature properly informed of the following:

(i) the breakdown of youth in need of care, youth in need of supervision, and delinquent youth by category in out of home care facilities;

(ii) the cost per facility for services rendered;

(iii) the type and level of care of services provided by each facility;

(iv) a profile of out of home care placements by level of care; and

(v) a profile of public institutional placements.

Amendments to HB 24 (continued)

16. Page 17, line 20.

Following: "youth."

Insert: "(3) The department shall pay for room, board, clothing, personal needs, transportation and treatment in district youth guidance homes, shelter care programs, and foster care homes for youths committed to the department of institutions who need to be placed in such facilities. Youths committed to the department of institutions and placed in residential facilities other than those described above shall not be the financial responsibility of the department of social and rehabilitation services unless such placements have been approved in advance by the department of social and rehabilitation services."

17. Page 17, line 21.

Following: "Section 9."

Strike: "Apportionment"

Insert: "Allocation"

18. Page 17, line 22.

Following: "shall"

Strike: "apportion and"

19. Page 18, line 11.

Following: "~~chapter-~~"

Insert: "(1) The youth court may establish procedures for finding, maintaining, and administering shelter care and foster homes approved by the court for youth within the provisions of this chapter."

20. Page 18, line 12.

Following: "~~{2}~~"

Insert: "(2)"

21. Page 18, line 16.

Following: "~~{a}~~"

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections accordingly

22. Page 20, line 8.

Following: line 8

Strike: the remainder of line 8 through line 1 on page 21

Renumber: subsequent sections accordingly

23. Page 25, line 17.

Following: "facilities,"

Insert: "training,"

Amendments to HB 24 (continued)

24. Page 26, line 1.

Following: "therefor."

Insert: "Such contracts shall be based on the following considerations: (a) budgets submitted by the nonprofit corporation or association identifying fixed and variable costs;

(b) reasonable costs of service;

(c) appropriation level; and

(d) availability of funds.

25. Page 27, line 16.

Following: "~~detention~~"

Strike: "Detention"

Insert: "Shelter care and detention"

26. Page 27, line 17.

Following: "(1)"

Insert: "(a)"

27. Page 27, line 25.

Following: "~~(b)~~"

Strike: "(2)"

Insert: "(b)"

28. Page 28, line 3.

Following: "~~(e)~~"

Strike: "(3)"

Insert: "(c)"

29. Page 28, line 22.

Following: "~~home-~~"

Insert: "(2)(a) Youth courts and nonprofit corporations may provide by purchase, lease, or otherwise, a place to be known as a shelter care facility.

(b) Such facility shall be physically unrestricting and may be used to provide shelter care for youth alleged or adjudicated delinquent, in need of supervision, or in need of care.

(c) Such facility shall be separate and apart from any facility housing adults charged with criminal offenses.

(d) State appropriations and federal funds may be received by the youth court or private nonprofit corporations for establishment, maintenance, or operation of such facility.

(e) Such facility shall be furnished in a comfortable manner and be as nearly as possible like a family home."

30. Page 29, line 20.

Following: "administer"

Insert: "youth correction facilities, evaluation facilities, mental health facilities and services, after care programs, and"

Amendments to HB (24)

31. Page 32, line 17.

Following: "Section"

Strike: "32"

Insert: "31"

32. Page 32, line 20.

Following: "9,"

Strike: "12"

Insert: "17"

33. Page 32, line 20.

Following: "19"

Strike: "20"

34. Page 32, line 20.

Following: "and"

Strike: "25"

Insert: "24"

35. Page 32, line 21.

Following: "through"

Strike: "28"

Insert: "27"

STANDING COMMITTEE REPORT

Page 1 of 7
HOUSE BILL 24

January 28, 1983

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration HOUSE Bill No. 24

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO YOUTH; PLACING THE AUTHORITY FOR COMMUNITY-BASED SERVICES FOR YOUTH UNDER THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; AMENDING SECTIONS 20-15-403, 41-3-104, 41-3-105, 41-3-405, 41-3-407, 41-3-501 THROUGH 41-3-504, 41-5-103, 41-5-306, 41-5-403, 41-5-523, 41-5-801, 41-5-802, 41-5-805, 53-2-201, 76-2-313, AND 76-2-314, MCA; REPEALING SECTIONS 41-5-803 AND 41-5-901 THROUGH 41-5-924, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 24
be amended as follows:

1. Title, line 7.

Following: "COMMUNITY-BASED"

Insert: "RESIDENTIAL"

2. Page 2, line 7.

Following: "children;"

Insert: "and"

3. Page 2

Strike: lines 8 and 9 in their entirety

Renumber: subsequent subsections accordingly

DE RASS
RECORD

January 28, 1983

4. Page 4, line 15.

Following: "youth:"

Insert: "(5) 'Foster home' means a private residence approved by the court for placement of a youth."

Renumber: subsequent subsections accordingly

5. Page 7, line 22.

Following: "guardian."

Insert: "Nothing in this definition is intended to include juvenile correctional facilities, evaluation facilities, mental health facilities and services, and aftercare programs operated by the department of institutions."

6. Page 10, line 2.

Following: "hearing;"

Insert: "(d) transfer of legal custody of the youth to the department of institutions, provided that such commitment does not authorize the department of institutions to place the youth in a state correctional facility, and such commitment may not exceed a period of 6 months without a subsequent order of the court, after notice and hearing;"

Renumber: subsequent subsection accordingly

7. Page 11, line 2.

Following: "(d)"

Strikes: "in case of a delinquent youth,"

8. Page 11, line 3.

Following: "institutions"

Insert: ", provided, however, that in the case of a youth in need of supervision, such transfer of custody does not authorize the department of institutions to place the youth in a state youth correctional facility and such custody may not continue for a period of more than 6 months without a subsequent court order after notice and hearing;"

9. Page 15, lines 1 through 13.

Strike: lines 1 through 13 in their entirety

Renumber: subsequent subsections accordingly

10. Page 16, line 15.

Following: "group homes,"

Insert: "and"

.....January 23,..... 1973.....

11. Page 16, line 16.

Following: "agencies"

Strike: ", and community based programs"

12. Page 17.

Strike: lines 1 and 2 in their entirety

Renumber: subsequent subsections accordingly

13. Page 17.

Strike: lines 8 through 10 in their entirety

Renumber: subsequent subsections accordingly

14. Page 17, line 12.

Following: "implementation"

Strike: "."

Insert: "; and (j) maintain adequate data on placements it funds in order to keep the legislature properly informed of the following:

(i) the breakdown of youth in need of care, youth in need of supervision, and delinquent youth by category in out of home care facilities;

(ii) the cost per facility for services rendered;

(iii) the type and level of care of services provided by each facility;

(iv) a profile of out of home care placements by level of care; and

(v) a profile of public institutional placements.

15. Page 17, line 20.

Following: "youth."

Insert: "(3) The department shall pay for room, board, clothing, personal needs, transportation and treatment in district youth guidance homes, shelter care programs, and foster care homes for youths committed to the department of institutions who need to be placed in such facilities. Youths committed to the department of institutions and placed in residential facilities other than those described above shall not be the financial responsibility of the department of social and rehabilitation services unless such placements have been approved in advance by the department of social and rehabilitation services."

January 28, 1983

16. Page 17, line 21.
Following: "Section 9."
Strike: "Apportionment"
Insert: "Allocation"

17. Page 17, line 22.
Following: "shall"
Strike: "apportion and"

18. Page 18, line 11.
Following: "chapter."
Insert: "(1) The youth court may establish procedures for finding, maintaining, and administering shelter care and foster homes approved by the court for youth within the provisions of this chapter."

19. Page 18, line 12.
Following: "4a"
Insert: "(2)"

20. Page 18, line 16.
Following: "4a"
Strike: "(1)"
Insert: "(2)"
ReNUMBER: subsequent subsections accordingly

21. Page 20.
Strike: line 8 on page 20 through line 1 on page 21
ReNUMBER: subsequent sections accordingly

22. Page 25, line 17.
Following: "facilities,"
Insert: "training,"

23. Page 26, line 1.
Following: "therefor."
Insert: "Such contracts shall be based on the following considerations: (a) budgets submitted by the nonprofit corporation or association identifying fixed and variable costs;
(b) reasonable costs of service;
(c) appropriation level; and
(d) availability of funds."

24. Page 27, line 16.
Following: "detention"
Strike: "Detention"
Insert: "Shelter care and detention"

January 28, 1983

25. Page 27, line 17.

Following: "(1)"

Insert: "(a)"

26. Page 27, line 25.

Following: "(b)"

Strike: "(2)"

Insert: "(b)"

27. Page 28, line 3.

Following: "(c)"

Strike: "(3)"

Insert: "(c)"

28. Page 28, line 22.

Following: "home"

Insert: "(2)(a) Youth courts and nonprofit corporations may provide by purchase, lease, or otherwise, a place to be known as a shelter care facility.

(b) Such facility shall be physically unrestricting and may be used to provide shelter care for youth alleged or adjudicated delinquent, in need of supervision, or in need of care.

(c) Such facility shall be separate and apart from any facility housing adults charged with criminal offenses.

(d) State appropriations and federal funds may be received by the youth court or private nonprofit corporations for establishment, maintenance, or operation of such facility.

(e) Such facility shall be furnished in a comfortable manner and be as nearly as possible like a family home."

29. Page 29, line 20.

Following: "administer"

Insert: "youth correction facilities, evaluation facilities, mental health facilities and services, after care programs, and"

30. Page 32, line 17.

Following: "Section"

Strike: "32"

Insert: "31"

31. Page 32, line 20.

Following: "9,"

Strike: "12"

Insert: "17"

Following: "19"

Strike: "20"

Following: "and"

Strike: "25"

Insert: "24"

32. Page 32, line 21.

Following: "through"

Strike: "28"

Insert: "27"

January 28, 1983

AND AS AMENDED

DO PASS

STATEMENT OF INTENT ATTACHED

January 28,

1983

MR. SPEAKER

WE, YOUR COMMITTEE ON HUMAN SERVICES, HAVING HAD UNDER
CONSIDERATION HOUSE BILL NO. 24, FIRST READING COPY (WHITE), ATTACH
THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
HOUSE BILL NO. 24

House Bill 24 requires a statement of intent because it authorizes the Department of Social and Rehabilitation Services to adopt rules to implement statutory changes in the delivery of services to youths.

The Legislature contemplates that the rules should address the following, among other things:

1. Consideration of aftercare programs for youth under the department's supervision.
2. Consideration of standards for facilities housing youth in need of care, youth in need of supervision, and delinquent youth. Such standards should be considered in licensing and delivery of service.
3. Consideration of measures associated with the allocation of placement budgets to judicial districts, with such measures including data on placement history and placement trends.
4. Consideration of the proper allocation of annual budgets for the out-of-home care of youth in need of supervision and delinquent youth. The funding formula used in budget allocations should include:
 - a. the total population of the judicial district;
 - b. the total youth population of the judicial district;
 - c. the total number and costs of placements in public facilities and out-of-home care facilities;
 - d. trends in population, placements, and local economics.
5. Consideration of measures to investigate parental contributions.
6. Consideration of specific measures for licensing the various youth facilities, including: facility acquisition, facility design, group home staffing, staff training, service goals and design, quality of services, client placement procedure, client rights and privileges, client grievance procedure, provider grievance procedure, accounting procedures including accounting of client financial resources, health and safety standards including water and waste disposal, food service, and laundry.

and stated that this bill merely contains practical changes to the present law. Mr. Murdo stated that the Montana Corporation Business Act is not changed in any way by HB257.

Representative Ramirez then distributed a Statement of Intent (see attached Exhibit "B").

There being no further proponents, opponents or questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 24: Representative Keyser testified that this bill would provide the Social and Rehabilitation Service of Montana with the power to license youth care facilities in Montana and would hold this Department responsible for an accurate accounting of where money is being spent. Representative Keyser stated that getting an accurate accounting has been a problem in the past and, hopefully, HB24 would stop this problem. He also stated that most judicial districts do not have funds for placement of youth. Representative Keyser feels that separate budgets for these districts would allow for more accountability. He explained that HB24 would also provide for some definitions and prompt treatment of troubled youth because the bill provides for placement in a timely manner. He feels this bill will provide for better distribution of funds and simplify the process for caseworkers and probation officers.

PROPONENTS: Ms. Norma Vestre of the Montana Department of Social and Rehabilitation Services testified that her Department supports HB24. She feels this bill will solve some of the problems in the residential care system and provide the youth of Montana with better care. She urged the Committee for a do pass recommendation.

Mr. Kurt Chisholm, of the Montana Department of Institutions, testified that he feels HB24 will solve problems incurred between the Department of Social and Rehabilitation Services and the Department of Institutions. He feels there needs to be a definite decision as to who is responsible for the financing of youth programs.

Mr. Jeremiah F. Johnson, President of the Montana Probation Officer's Association, testified that he feels the bill is in good shape and clarifies who is responsible for youth care facilities.

Mr. Geoffrey Birnbaum, representing the Montana Residential Child Care Association, testified that he feels the current system is

fragmented and HB24 will bring the system back together by designating who has the responsibility for these programs and the financing. Mr. Mike Meloy, representing the Montana Youth Justice Council, testified that he feels there are too many sources of money. It is his opinion that because people try to qualify children under one program or another, that it is difficult to tell whether each child is being treated fairly. He reminded the Committee that the Federal Government feels that states should make their own decisions as to the best use of federal monies. Mr. Meloy feels that HB24 will bring the various youth programs closer to the community.

Eileen F. Morgan, representing the Montana Association of School Psychologists, stated that she supports the idea of increased accountability and feels HB24 will provide more services for emotionally disturbed youth.

OPPONENTS: Mr. Bob Larsson, a minister and Director of the Pine Haven Christian Children's Ranch, told of his personal experience in dealing with the Department of Social and Rehabilitation Services. Mr. Larsson is of the opinion that the various SRS decisions are detrimental to the children. Because of this, Mr. Larsson returned the license issued by the SRS to Pine Haven Christian Children's Ranch. Mr. Larsson believes the responsibility of placing troubled youth should lie with the youth courts, and HB24 should reflect this change. Mr. Larsson submitted written testimony (see attached Exhibit "C") and correspondence from the Department of Social and Rehabilitation Services (see attached Exhibit "D").

There being no further proponents or opponents, the hearing was opened to questions from the Committee.

Senator Mazurek stated that it was his belief that HB24 did provide for the youth court to approve non-licensed homes being considered for placement. Steve Nilson stated that youth courts were responsible for licensing individual foster homes and the SRS would be responsible for licensing larger childcare facilities.

Representative Keyser closed the hearing by stating that he believes the language of HB24 takes care of any potential problems and does not change the Youth Court Act. He stated that there has been substantial thought and communication between agencies in proposing this bill.

CONSIDERATION OF HOUSE BILL 812: Representative Shontz testified that HB812 is proposed because most property now is being sold

ROLL CALL

JUDICIARY COMMITTEE

48th LEGISLATIVE SESSION - - 1983

Date 031983

NAME	PRESENT	ABSENT	EXCUSED
Berg, Harry K. (D)			✓
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Daniels, M. K. (D)	✓		
Galt, Jack E. (R)	✓		
Halligan, Mike (D)	✓		
Hazelbaker, Frank W. (R)	✓		
Mazurek, Joseph P. (D)	✓		
Shaw, James N. (R)	✓		
Turnage, Jean A. (R)	✓		

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
DAVID L. Johnson	Tax & Probate Section, State Bar of Montana	HB 215 HB 855	✓ ✓	
Howard E. Vreisted	Uniform Prob. & Income Act	HB 215	✓	
Robert C. Larsson	Pine Haven Christian Children's Ranch	HB 24		
Bob Murdo	Business Law Section State Bar of Montana	HB 257	✓	
David N. Niklas	Tax & Probate Section State Bar of Mont.	HB 855	✓	
Eileen F. Morgan	Montana Association of School Psychologists	HB 24	✓	
Alan D. Robertson	Sec of State	HB 257	✓	
Geoffrey Birnbaum	MT. Residential Child Care Assn.	HB 24	✓	
Jeremiah F. Johnson	MT. Probation Officers Assoc.	HB 24	✓	
Norma Vestre	S.R.S.	H.B. 24	✓	
Gary Loshesty	M. HAM	24	✓	
GARY LOSHESTY	JUVENILE PROBATION	HB 24	✓	

(Please leave prepared statement with Secretary)

Statement of Intent

House Bill 24

Insert in line 23 after sentence ending with
"delinquent youth" . .

The department will develop plans which inform youth courts about budgeted amounts available for placements during the fiscal year within the limits of the appropriation.

The process for payment will continue in the same manner consistent with Section 41-3-104. The department will advise the youth courts on a regular basis on the status of the budgets.

NAME: ROBERT C. LARSSON DATE: 3-19-83

ADDRESS: PINEHAVEN CHRISTIAN CHILDREN'S CARE - BOX A
ST. IGNATIUS, MT.
59865

PHONE: 406-745-3784

REPRESENTING WHOM? PINEHAVEN C.C.R.

APPEARING ON WHICH PROPOSAL: HB 24

DO YOU: SUPPORT? AMEND? ✓ OPPOSE?

COMMENT: THIS BILL NEEDS AMENDING TO RESTRICT
POWERS OF S.R.S., PARTICULARLY AS HAVING POWER
TO CONTROL YOUTHS AND PROGRAMS UNDER JURISDICTION
OF YOUTH COURTS -

WE HAVE CARED FOR YOUNG PEOPLE IN A CHURCH
SPONSORED GROUP HOME SINCE 1976. SRS POLICIES
HAVE BEEN VERY DETRIMENTAL TO REHABILITATING YOUTHS
PLACED IN OUR CARE - TO THE POINT WE VOLUNTARILY
RETURNED OUR SRS LICENSE IN NOV, 81. WE ARE ABLE
TO HELP MANY YOUNG PEOPLE WHEN PLACED THROUGH YOUTH
COURTS - WE SUPPORT ANY AMENDMENT BEING
PROPOSED THROUGH THE YOUTH COURT ORGANIZATION -
SRS YOUTH PROGRAMS SHOULD BE MONITORED AND SUPERVISED
BY THE YOUTH COURT ORGANIZATION - NOT THE
PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

OTHER WAY AROUND AS ^{THE ORIGINAL} HB 24 AND RULES ADOPTED
BY SRS WOULD HAVE IT.

The Christian Church
An Undenominational Church of Christ
St. Ignatius, Montana 59865

ROBERT C. LARSSON, MINISTER

Phone 406-745-3789

September 19, 1981

Elly Cummins, Chief
Management Operations Bureau
Community Services Division
Social and Rehabilitation Services
Box 4210
Helena, Montana 59604

Dear Mrs. Cummins:

I have received your letter of Sept. 4, 1981 containing the mandatory material you are demanding of the children's home being operated by this church under the name "Pinehaven Christian Children's Ranch".

Last Sunday, at our regular monthly business meeting, I shared the contents of your letter with the congregation. The congregation voted unanimously to return to you our license inasmuch as we cannot operate our program under the limitations and philosophy set forth in your letter.

We do not wish to be issued an SRS license until some of the conditions imposed by your department are modified or eliminated. This we will seek to have done by legislation and other appropriate action.

I explained to you at our August 4 meeting in Missoula that our program for troubled youth was to offer them a good stable living situation built around the model of a regular family. It is evident that your restrictions would make this into just another institution. The limiting of age range and splitting up siblings into different foster homes is one example.

I also stated that the child we accept is one who would and could fit into our program. Since we operate from a Christian, non-denominational, spiritual basis of counselling and correction, we only accept those children who agree voluntarily to this treatment and philosophy.

Your mandate prohibits parents and children from seeking and receiving spiritual help we as a church offer in our exercise of religion. We believe that this is a violation of our and their constitutional rights as guaranteed by the first amendment.

Regarding discipline, you stated that we agreed that there shall be no use of corporal punishment. I did not agree that this was best, only that we would abide by this regulation until we could have it changed legislatively. What you are asking us to do is unbiblical and what we have been doing is not in violation of any law we are aware of. I told you at that meeting that a judge of the District Court had told us that he believed that we had the right to paddle kids as needed and that Chief probation officer Glen Hufstetler of the 11th Judicial District has given his approval to this form of correction as have parents who have voluntarily placed their children with us. It is

difficult for us to accept your reply that it doesn't matter what any of these say, we must follow the philosophy of correction imposed by SRS. We believe in government by law, not bureaucratic regulations.

That we might work toward a full understanding of each other's position, would you please define and give instances of use of "religious intimidation" as unacceptable discipline practices?

Although you tell us much of what we may not do in disciplining children, your letter lacks the listing of any discipline practices that are acceptable. Would you give us several examples of what are acceptable and have proven effective with the type of troubled children we deal with?

Where is the acceptable monthly report form that you said you would send to us? Many of the items of this type we have no real objection to and feel that we have covered by our past procedures as far as intent if not the specific form.

We, too, believe that a child should be expediently returned home to his/her natural family when possible or freed for an alternate permanent placement. When a child has been placed here and it becomes evident that a permanent placement is necessary, we see no reason in moving the child to another placement, and thus force him/her to make adjustments all over again.

Two other things I would request:

1. The letter of apology promised to us in the August 4, 1981 meeting for the unfair way in which we were treated from February to August over the discipline incident.
2. The repayment of the \$79 we advanced to pay for the flute Mary Nicholas caused to be destroyed while in PINEHAVEN. It was understood that she would make restitution to us for this. We believe it is only right, since your worker, Helen Santa Cruz, took custody of Mary that she be responsible for seeing that the restitution be made also.

Your last paragraph contains a thinly veiled threat that we as Christians and as citizens find most unacceptable: "We are hopeful that you will submit satisfactory material to enable you to continue offering a service to children in Montana." We offer a service to the children of Montana and the world because our Lord in His word told us to. James 1:27 says that this is "pure religion". Our constitution says that there shall be no law (and certainly no bureaucratic regulation) that shall prohibit the free exercise of religion.

This church shall continue to exercise our religion, including caring for children, whether we satisfy the philosophy of the SRS or not.

One other thing puzzles us. When our program is working so well, according to those who should know, the youth court officers who place kids with us and monitor their progress, why do you seek to change our program and make it less effective? Why not study our program, centered around the family, and learn what makes it effective and try to implement it in other like areas?

Sincerely,



Robert C. Larsson

Minister - St. Ignatius Christian Church

Director - Pinehaven Christian Children's Ranch

Youth Court Services

Eleventh Judicial District

Box 839 - Kalispell, MT 59901
(406) 755-5300

J. M. SALANSKY
ROBERT C. SYKES
Youth Court Judges

R. GLEN HUFSTETLER
Chief Probation Officer

DEPUTIES:
Kevin J. Burham
Noel Kirack
Elisabeth A. Moothart

August 3, 1981

TO WHOM IT MAY CONCERN:

We are writing concerning the foster home license for Pine Haven Christian Children's Home in St. Ignatius. We have had six youths placed there over the past two years, and still have two there now. Three of these stayed there and did very well for over a year and the two who are there now are doing well. We feel very positive toward their program, and have found the staff to be very open and cooperative.

The incident which has brought their license into question was precipitated by two girls, both referrals from us, who have long and chronic histories of manipulation. The girl who was most directly involved stayed there and made progress longer than in any other placement before that. We can document four placements through this office in the eight months prior to her going to Pine Haven. Before that she had been moving in and out of friends' homes weekly. Before that she had been in numerous placements in Idaho and Washington. Our purpose in mentioning these facts is to point out that her determination to get out of a place is not necessarily a reflection on that particular place. It has become a very repetitive pattern with her.

This brings us to another factor which we feel must be mentioned. Pine Haven, and in fact most group homes, tend to have the more difficult cases referred to them. Many of their kids are sent because they did not function satisfactorily in foster care, and it seems safe to say that all were unable to function in their own homes.

However, in spite of these difficulties, we feel that our kids have made good progress at Pine Haven and that they have had excellent care there. We have dropped in for visits many times and have found a harmonious atmosphere and mutual respect between the houseparents and the kids. In any situation with troubled teenagers, there are going to be times of

August 3, 1981

Page 2

conflict, but we have found them to be able to resolve these in a positive manner. The only exception to this that we are aware of is when the kids have been encouraged in rebelliousness by outsiders.

We are glad that something is being done to resolve this situation, and hope that all facets will be considered. We are sincerely supportive of the home and will do whatever we can to bring this problem to a successful conclusion.

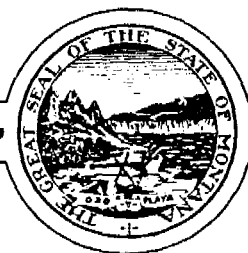
Sincerely,

A handwritten signature in dark ink, appearing to read "R. Glen Hufstetler", written in a cursive style.

R. GLEN HUFSTETLER
Chief Probation Officer

RGH/gw

DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES



TED SCHWINDEN, GOVERNOR

P.O. BOX 4210

STATE OF MONTANA

HELENA, MONTANA 59604

September 8, 1981

Bob Larrison
P.O. Box 8
St. Ignatius, MT 59865

Dear Rev. Larrison:

RE: Pine Haven Christian Children's Ranch

Enclosed is the mandatory material we discussed during the meeting August 4, 1981, with Gary Walsh, Human Service Manager, Missoula District and Randi Hood, SRS Attorney. I apologize for the delay in getting the information to you. However, I thought it was important to fully explain the required material and not merely send the information to you in piecemeal fashion. As we discussed during the meeting, information regarding discipline and job descriptions should have been prepared and submitted without waiting for this letter.

1. Written job descriptions of all staff members including yourself are essential. Please include material regarding the houseparents, and any other staff that has contact with the children. Please include information for general ranch staff, those involved in the treatment plan, preparation of daily meals, discipline, etc.
2. Written discipline policies which set out acceptable and unacceptable practices. Such policies must not include any techniques which shame, humiliate or use religious intimidation. Neither must practices include harsh or degrading responses that may result in humiliation of a child or the undermining of his/her self respect. As we agreed, there shall be no use of corporal punishment. Acceptable disciplinary practices must meet the following criteria:
 - a. Forms of punishment must be approved by the director of the program and made known to all staff.
 - b. Program staff who administer disciplinary measures must be trained in the forms of discipline used in Pine Haven.

c. The behavior of the child that will result in the administration of disciplinary measures must be made known to both staff and children.

3. A written description of the program and treatment offered by Pine Haven Christian Children's Ranch. Please include Pine Haven's philosophy of care. Program statement shall be made available to referring agencies, social workers, parents or others interested in placing a child in Pine Haven. Such statement shall, at a minimum, include a description and explanation regarding the following:

a. Philosophy, objectives, goals and methods.

b. Child to be served; age, sex, number, type of problems, conditions of behavior, i.e., emotional disturbances, juvenile delinquency, etc.

c. Anticipated length of stay.

d. Daily activities.

e. Admission criteria, policies, and procedures.

f. Discharge policies and procedures.

No child shall be refused admission to the program solely on the grounds of race, religion or ethnic origin.

As we discussed, it is not acceptable that you provide care for children ranging in ages from 0 through 18. Children encompassing that age range require a different treatment, staffing ratios per child, daily activities, etc. Pine Haven's focus should be narrowed, i.e., boys/girls from 0-6, 7 to 12, 13 and over, etc.

4. Written incidence reports of specific individual children's behavior and how they are handled must be maintained. Such reports need not be submitted to the Agency or placing Agency on a routine basis. However, it is important that incidence reports be kept. i.e., for serious accidents involving a child, incidents of staff misconduct or abuse of children and for other infractions of your rules, such as smoking, drinking. How are such incidents handled? Who handles them? Those records should be available and easily assessable to the licensing authority for periodic review.

5. Please keep a complete inventory of all children's personal items at the time they are placed. As you know, there have been some complaints wherein children stated they are fined personal possessions and do not get them back. In order to avoid such accusations in the future, a written log of all personal items should be kept in each child's individual record.

6. All policies and procedures of the Interstate Compact on the Placement of Children must be followed. You may not accept children from another State without having such placement approved through John Madsen, Management Operations Bureau, Community Services Division, who is the Compact Administrator for the State of Montana.
7. As we mentioned to you, foster home reviews will be required (October 1, 1981) due to legislation recently enacted. SB 228, Section 1, Number 3, specifies: "the department shall conduct or arrange for the review required under (section 2) of a child placed in a licensed family foster home, child care agency, group home, a treatment facility if the child is placed under the supervision of the department or placed by the department or the department pays for the care of the child as set for in this section".

The philosophy of SRS regarding substitute care is that a child should be expediently returned home to his/her natural family when possible or freed for an alternate permanent placement. SRS believes in a differential diagnosis for each individual child. It would be a rare occasion indeed, if we placed three or four children from one family together in the same facility. That type facility is a receiving home which cares for children on a short term emergency basis. If there is a necessity for three or four children to be placed together, the case plan for the family should definitely be reviewed. Efforts should be commenced to help the children return to the natural family and/or the procedures for termination of parental rights begun and the children placed adoptively, or placed in some other permanent alternative.

The Social Worker responsible for supervision must have access to the individual child privately and to those directly responsible for his/her daily care. Such access is essential in order to accomplish case planning which will result in a permanent plan for each child.

Professional resources must often be consulted in terms of case planning. If a child has psychological or emotional problems with which your staff cannot cope, a referral should be made to professional mental health resources or other agencies in the community.

We expect that your facility as a treatment resource, will have to participate in regular foster care reviews effective October 1, 1981.

8. Monthly reports to the placement agency are vital. The content of such reports should include the reason for placement, the continued reasons for placement with detailed information regarding behavior and emotional problems and efforts to remediate or solve the problem clearly specified. What is the prognosis? Is it necessary to change the case plans?

9. As discussed, the agreements both children and parents sign must be changed in several areas.

- A. Children cannot be placed in your facility for an indefinite period of time. There should be a case plan worked out among the staff at Pine Haven, the parents and the placement Agency for a time limited placement, with a case plan clearly delineated.
- B. It is not acceptable that all children who are placed in your facility be required to attend the First Christian Church of St. Ignatius. Each child should have an option regarding the church they wish to attend. There is a constitutional question as to whether the Ranch can force children of whom any agency, parent or guardian has custody to sign such an agreement and have the religious philosophy of Pine Haven imposed on them.
- C. There is no reason for the signature of a youth and one of the house parents on bank accounts. The money belongs to the children. Pine Haven should teach the children responsibility for handling money rather than not giving them access to the money.
- D. The Pine Haven Staff do not have the right or permission to discipline the child as they deem necessary. The written discipline policy should clear up this item. However, the item should be changed or deleted from your agreement.
- E. We have many questions regarding the prearranged visiting from parents. An appropriate policy on parental visiting should state that visitation agreements shall be worked out between the Social Worker, the parents, placement staff and that the negotiation of visiting arrangements should consider all factors relevant to the parents situation. The parents and childrens needs must take priority over the mere convenience of the foster home or group placement facility.

Parental visiting and involvement by parents can, of course, have some problems. Visiting can be stressful and problematic. However, despite the problems, visiting is of upmost importance and must be accomplished for a parent and child to work out difficulties and problems that are preventing the family to be reunited.

The statement in your agreement regarding the fact that visitation is subject to its affect on the child and the parents must accept direction as to frequency and duration from the Pine Haven Staff must be deleted. Visits are critical and facilities must offer any assistance or outreach that will facilitate those visits -- not ignore or make it difficult for the parents to visit.

- F. The statement regarding a release of liability for any mishaps that might occur is not acceptable. A facility cannot expect to have an agreement signed that is a total release of liability for any mishaps that might occur during a treatment stay.

Please submit this material as soon as possible. As you are aware, you have been provisionally licensed through 9/30/81. Although Fred Jenneskens, Social Worker Supervisor III from Kalispell, was not present for the meeting, we have utilized Fred's suggestions and those from Joyce Williams, Resource Worker, in discussing required information with you. We are hopeful that you will submit satisfactory material to enable you to continue offering a service to children in Montana. The material requested is minimal and does not exceed the expectations for any other group home presently licensed.

Sincerely,



Elly Cummins, Chief
Management Operations Bureau
Community Services Division

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MOB1/E